



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,860	12/12/2003	Janaki Krishnaswamy	ORA012 US	1532
56135	7590	05/03/2007	EXAMINER	
SILICON VALLEY PATENT GROUP LLP 2350 MISSION COLLEGE BLVD. SUITE 360 SANTA CLARA, CA 95054			PHAM, HUNG Q	
		ART UNIT	PAPER NUMBER	
		2168		
		MAIL DATE	DELIVERY MODE	
		05/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/734,860	KRISHNASWAMY ET AL.	
Examiner	Art Unit		
HUNG Q. PHAM	2168		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 February 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-21 is/are rejected.
7) Claim(s) 7-21 is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____.
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ 5) Notice of Informal Patent Application
6) Other: ____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I in the reply filed on 02/26/07 is acknowledged.

Response to Arguments

Claim Rejections - 35 USC § 101

- Applicant's arguments with respect to the rejection of claims 4, 18 and 19 under 35 U.S.C. § 101 have been fully considered but they are not persuasive.

The recited *computer-readable storage medium* as defined in the Specification (Page 50 Line 28-Page 51 Line 3) includes carrier wave. The Specification (Page 50 Line 28-Page 51 Line 3) has provided evidence that applicant intends the medium to include signals as such the claimed invention is drawn to a form of energy. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore is not a composition of matter. Energy is not one of the four categories of invention and therefore claims 4, 18 and 19 are non-statutory.

- Applicant's arguments with respect to the rejection of claims 5 and 20 under 35 U.S.C. § 101 have been fully considered but they are not persuasive.

The recited *a signal embodied in a carrier medium* of claims 5 and 20 has provided evidence that applicant intends the medium to include signal as such the claimed invention is drawn to a form of energy. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a

Art Unit: 2168

combination of substances and therefore is not a composition of matter. Energy is not one of the four categories of invention and therefore claims 5 and 20 are non-statutory.

Claim Rejections - 35 USC § 102

Applicant's arguments with respect to the rejection under 35 U.S.C. § 102 and 103 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 3-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim(s) 1, 3-5 and 7-20 are directed to a method for managing a repository. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful and tangible result. Specifically, the claimed subject matter does not produce a useful result because the claimed subject matter fails to sufficiently reflect at least one practical utility set forth in the descriptive portion of the specification. More specifically, while the described practical utility (utilities) is (are) directed to retrieving the repository objects as recited in claim 2, the claimed subject matter relates ONLY to *associating no more than one configuration with a workspace*. The claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a

Art Unit: 2168

result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for *associating no more than one configuration with a workspace*. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

Regarding claims 4, 18 and 19, the recited *computer-readable storage medium* as defined in the Specification (Page 50 Line 28-Page 51 Line 3) includes carrier wave. The Specification (Page 50 Line 28-Page 51 Line 3) has provided evidence that applicant intends the medium to include signals as such the claimed invention is drawn to a form of energy. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore is not a composition of matter. Energy is not one of the four categories of invention and therefore claims 4, 18 and 19 are non-statutory.

Regarding claims 5 and 20, the recited *a signal embodied in a carrier medium* has provided evidence that applicant intends the medium to include signal as such the claimed invention is drawn to a form of energy. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore is not a composition of matter. Energy is not one of the four categories of invention and therefore claims 5 and 20 are non-statutory.

Claim(s) 6 and 21 are directed to a system. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful and tangible result. Specifically, the

Art Unit: 2168

claimed subject matter does not produce a useful result because the claimed subject matter fails to sufficiently reflect at least one practical utility set forth in the descriptive portion of the specification. More specifically, while the described practical utility (utilities) is (are) directed to retrieving the repository objects (Specification, Page 5 Lines 1-11), the claimed subject matter relates ONLY to *associating no more than one configuration with a workspace*. The claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for *associating no more than one configuration with a workspace*. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bergstraesser et al. [USP 6,868,425 B1].

Regarding claims 1, 4, 5 and 6, Bergstraesser et al. teaches a method, software and computer for *managing a repository containing multiple versions of an object*, the method, software and computer comprising:

a storage medium (Bergstraesser et al., Col. 7 Lines 55-61) *comprising a repository containing multiple versions of an object* (Bergstraesser et al., FIG. 9, REPOSITORY 250);

the method further comprising:

establishing a plurality of configurations, each configuration containing no more than one version of an object (*a plurality of* subsets of repository objects represented by object IDs and version numbers as *configurations* is *established* for workspaces (Bergstraesser et al., Col. 15 Lines 33-35), and *each configuration containing no more than one version of an object* (Bergstraesser et al., Col. 15 Lines 32-33)); and

associating no more than one configuration with a workspace (FIG. 9, each subset of repository object is associated with a workspace) *from which a query can be issued* (Bergstraesser et al., Col. 15 Line 62-Col. 16 Line 4).

Regarding claim 3, Bergstraesser et al. teaches all of the claimed subject matter as discussed above with respect to claim 1, Bergstraesser et al. further discloses *a design time configuration* (FIG. 9, subsets of objects of WORKSPACE 1 and 2) and *a run time configuration* (FIG. 9, subset of objects of WORKSPAGE 3) and the steps of *associating the design time configuration with each of a plurality of persons involved in designing the repository* (Bergstraesser et al., Col. 15 Lines 36-55), *associating the run time configuration with each of a plurality of software application programs that use the repository during live operation* (Bergstraesser et al., Col. 16 Lines 5-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergstraesser et al. [USP 6,868,425 B1] and further in view of Thomas et al. [USP 6,460,052 B1].

Regarding claim 2, Bergstraesser et al. teaches all of the claimed subject matter as discussed above with respect to claim 1, but does not teach the steps of *retrieving an identity of the configuration directly from the workspace from which the query originates; determining a version of each object to be included in a response to the query, based on the identity of the configuration; and presenting the response including the version of the object determined based on the configuration identity, without exposing any information related to versioning of the object.*

Thomas et al. teaches a method of managing repository, Thomas et al. further discloses the steps of *retrieving an identity of the configuration directly from the workspace from which the query originates* (Thomas et al., Col. 9 Lines 59-65), *determining a version of each object to be included in a response to the query, based on the identity of the configuration* (Thomas et al., Col. 10 Lines 3-5), *presenting the response including the version of the object determined based on the configuration identity, without exposing any information related to versioning of the object* (Thomas et al., Col. 10 Lines 3-5).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to include the technique of retrieving versions of objects as taught by Thomas et al. in order to keep track object versions.

Allowable Subject Matter

Claims 7-21 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims in this case is the inclusion of the steps of *receiving an instruction to insert a first object, and in response to said receiving of said instruction checking if the first object is contained in another object, and if not performing acts (a) and (b) else performing act (c): (a) inserting into a first table, a first row comprising a plurality of values that define the first object, a unique identifier of the first object, and a version number of the first object; and (b) inserting into a second table, a second row comprising the unique identifier of the first object, the version number of the first object, and an identifier of a current configuration as identified by a workspace from which said instruction is received; wherein acts (a) and (b) are performed in any order relative to one another, and alternatively (c) inserting into a third table, a third row comprising a plurality of values that define the first object, a unique identifier of the first object, and at least a current version number of a second object which contains the first object, the second object*

Art Unit: 2168

being not contained in any other object in combination with the other elements recited, which is not found in the prior art of records.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.Q. Pham

HUNG Q PHAM
Examiner
Art Unit 2168

April 23, 2007